

Item W06-09 Response Form

Title: **Probate: Cover sheet for probate proceedings and a rule of court to require its filing, effective July 1, 2006** (adopt *Probate Case Cover Sheet* (form CM-011); amend rule 201.8 and adopt rule 7.105 of the California Rules of Court)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Monday, January 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council
or the Rules and Projects Committee
All comments will become part of the public record of the council's action.*

Invitation to Comment W06-09

Title	Probate: Cover sheet for probate proceedings and a rule of court to require its filing, effective July 1, 2006 (adopt <i>Probate Case Cover Sheet</i> (form CM-011); amend rule 201.8 and adopt rule 7.105 of the California Rules of Court).
Summary	A new <i>Probate Case Cover Sheet</i> and a new rule of court requiring its filing are proposed primarily to help court staff determine the appropriate filing fees for probate filings under new filing fee legislation effective January 1, 2006. The new form would also facilitate the collection of important statewide statistical data on probate matters, particularly as the probate-specific portion of the California Case Management System is implemented in 2006.
Source	Probate and Mental Health Advisory Committee Hon. Don Edward Green, Chair
Staff	Douglas C. Miller, Committee Counsel, (415)-865-7535, douglas.miller@jud.ca.gov
Discussion	<p>Rule 201.8 of the California Rules of Court requires a civil case cover sheet to be filed with the first paper in a civil action or proceeding, primarily for the purpose of statistical data collection. The <i>Civil Case Cover Sheet</i> (form CM-010) is the Judicial Council form adopted to implement this rule. Proceedings filed under the Probate Code are currently exempt from the requirements of the rule. (See rule 201.8(b)(1).)</p> <p><u>Uniform Civil Filing Fee Legislation</u></p> <p>On July 19, 2005, Governor Schwarzenegger signed the Budget Act of 2005.¹ Section 121 of this legislation created a new Chapter 5.8 of Title 8 of the Government Code, Superior Court Fees (Gov. Code, §§ 70600–70677), also known as the Uniform Civil Filing Fee Act of 2005 (UCF).² Article 2 of the UCF (Gov. Code, §§ 70650–70658) prescribes filing fees in proceedings under the Probate Code and in certain other matters heard in probate departments of the court. The</p>

¹ Stats. 2005, ch. 75 (Assem. Bill 145) (the Act).

² See section 121 of the Act, at page 62, new Government Code section 70600.

UCF will go into effect on January 1, 2006.³

Article 2 of the UCF will make substantial changes in the way court fees will be assessed for filings in matters heard in probate departments of the court. Perhaps the most significant change will be the imposition of fees for the filing of petitions and objections or other opposition by all parties in decedents' estates, trust proceedings, guardianships, and conservatorships after appointment of a fiduciary (post-appointment filings), whether or not these parties have previously appeared in the matter.⁴

The UCF also provides that the amount of a probate-matter filing fee will vary, depending on the subject matter of the filing or the identity of the filing party⁵

The factors noted above, and others referenced in the UCF that impact probate-matter filing fees, will not always be readily apparent to court clerks or other court staff on presentation of papers for filing.

Probate Case Cover Sheet

The *Probate Case Cover Sheet* is proposed primarily to assist courts, probate practitioners, and parties in probate proceedings determine the appropriate filing fees. The form would also help probate practitioners learn how to apply the UCF to their own filings; and would aid the collection of statewide statistical data on probate-related case filings, particularly as Version 3 of the California Case Management System becomes operational in some courts in 2006 and in others in following

³ See section 156 of the Act.

⁴ New Government Code sections 70652 (trusts) and 70658 (decedents' estates, guardianships, and conservatorships).

⁵ The amount of the filing fee for post-appointment filings in decedents' estates, guardianships, and conservatorships will depend on whether the paper filed seeks or opposes an order that is appealable under Probate Code sections 1300 or 1301; whether a filing is in a guardianship of the person only; whether a filing is by or on behalf of a (proposed) ward or conservatee; or, in a decedent's estate, whether a filing by a personal representative appointed after the effective date of the graduated filing fee concerns an action that would require court supervision under the Independent Administration of Estates Act (IAEA).

years.

The *Probate Case Cover Sheet*, unlike its civil case counterpart, would be required to be filed every time a party or a party's attorney files a petition, motion, application, or objections or other opposition during the progress of the proceeding. Although this requirement imposes a burden on probate practitioners and unrepresented parties, the advisory committee believes the burden will be a modest one that will decrease over time, for the following reasons:

1. The burden may be entirely offset by fewer filing rejections by the courts because of incorrect filing fees;
2. In most situations the burden of filing the cover sheet will be minimized because the filing party or attorney would be able to easily rule out most of the options on the form as inapplicable to the type of proceeding involved or to a particular filing;
3. As practitioners and parties become familiar with the form and the probate provisions of the UCF, completing the form should become even easier; and
4. A party filing more than one petition or request for relief at the same time, whether contained in one document or in more than one, will be required to file only one cover sheet because the form permits selection of more than one option per filing.

The subject matter categories in the form (bold text headings) follow the breakdown in the probate fee portion of the UCF, although not in the same order. The decedent estate, trust proceedings, guardianship, and conservatorship initial petitions or opposition are grouped together first, followed by post-appointment filings in decedents' estates, guardianships, and conservatorships.⁶ These are followed by initial petitions and opposition in other proceedings under the Probate Code,

⁶ Subsequent filings in trust proceedings are not separately stated. Each trust petition is a new filing for filing fee and cover sheet purposes, whether or not it is filed by the same party that filed an earlier petition concerning the same trust, and whether or not the later-filed petition is assigned the same case number as the earlier petition. See item 2 on page 1 of the form.

listed in Government Code sections 70655(c)(1)–(8) and 70656.⁷

The form concludes with references to the matters subject to the motion fee of \$40 under Government Code section 70657 and to the petitions to establish records of birth, marriage, or death under Health and Safety Code sections 103450 et seq., which are heard in probate departments.⁸

The form provides citations to relevant Probate Code sections where appropriate, and to the Government Code provisions of the UCF. The advisory committee elected not to specify the filing fees due under the cited Government Code sections because (1) space limitations in the form would make that difficult, (2) future changes in the fee amounts prescribed by these code sections would require revision of the form, and (3) practitioners and court staffs will have access to a widely available schedule of the new fees. The schedule will specify the fees charged for the petitions and opposition described in the code sections referenced in the form.

A minority of the members of the advisory committee believe that the amount of filing fees due under the UCF should be specified in the form where possible, in spite of the above-stated reasons not to do so. The advisory committee would welcome specific comments on this

⁷ Section 70655 prescribes a filing fee of \$320 for the probate proceedings there listed, and includes a catch-all for any other probate proceeding not listed in the section or otherwise provided for in the UCF (Gov. Code, § 70655(c)(9)). The eight matters listed in section 70655(c) are (1) petition for compromise of a minor's claim (Prob. Code, § 3600); (2) petition to determine succession to real property (Prob. Code, § 13151); (3) spousal or domestic partnership property petition (Prob. Code, § 13650); (4) petition to establish fact of death to determine title to real property (Prob. Code, § 200); (5) petition for order concerning a particular transaction (Prob. Code, § 3100); (6) petition concerning capacity determination for adult without a conservator (Prob. Code, § 3200); (7) petition concerning an advance health care directive (Prob. Code, § 4766); and (8) petition concerning a power of attorney (Prob. Code, § 4541).

Section 70656 prescribes a filing fee of \$180 for the petition for the small estate set aside, or opposition, under Probate Code section 6602 et seq.

⁸ Section 70657(a)(3)–(5) prescribes the \$40 filing fee for certain petitions or opposition that are exempt from higher fees under other provisions of the UCF. See note 10 below. The cover sheet identifies these exemptions in the filing categories for those petitions or opposition. The filing fee for the Health and Safety Code petitions will be \$180, under Health and Safety Code section 103470, as amended by section 144 of the Act.

issue.

Rules 201.8 and 7.105

Adoption of a cover sheet for probate matters requires amendment of rule 201.8 of the California Rules of Court. The rule would be amended to identify and require filing of the new form cover sheet, but would refer the details to a new rule 7.105 in title 7 of the rules.

New rule 7.105 would substantially restate the provisions of rule 201.8 concerning service on other parties (not required), failure to file, and sanctions, but would require the cover sheet to be filed with every petition, application, motion, or opposition. Rule 7.105(b)(1) would prescribe the responsibilities of filing parties when their filings cover more than one topic, a common occurrence in probate proceedings. The language of that paragraph is repeated in the instructions on page 1 of the form.

Rule 7.105(b)(2) would advise parties filing motions or routine applications in probate matters that the \$40.00 filing fee for such matters (\$200 for motions for summary judgment) is aggregated if two or more motions or applications that could be filed separately are combined in a single filing.⁹

This paragraph of the rule would limit the aggregation of filing fees under section 70657(d) to motions and other routine applications analogous to motions in civil cases for which aggregation is also required by Government Code section 70617(e). Aggregation would not apply to the fees for filing the three probate petitions listed in section 70657(a)(3–(5), or opposition to them, only because they are also subject to the \$40.00 filing fee provided in that section.¹⁰

⁹ See Government Code section 70657(d). This subdivision expressly authorizes the Judicial Council to “publish rules to give uniform guidance to courts in applying fees under . . . section [70657].” Proposed rule 7.105(b)(2) is the first response to this grant of authority.

Unlike other probate filing fees under the UCF, motion fees under section 70657 will be assessed against the moving party only, not against a party who opposes the motion or application.

¹⁰ See note 8 above. The three petitions or opposition are (1) petitions or opposition concerning the internal affairs of a trust that are exempt from the \$320 fee under Government Code section 70652 because they concern the internal affairs of trusts created by court order (Gov. Code, § 70652(d)); (2) post-appointment petitions or opposition in guardianships of the person only (Gov. Code, §§ 70658(c), 70654); and (3) post-appointment petitions or opposition in decedents’ estates that are exempt from the

The proposed new *Probate Case Cover Sheet* (form CM-011) is attached at pages 7–8.

Amended rule 201.8 and proposed new rule 7.105 are attached at pages 9–10.

The text of Government Code sections 70650–70658 is attached at pages 11–17.

Attachments

\$180 filing fee under section 70658 (a) or (d) because they do not seek or oppose an appealable order or are petitions concerning actions requiring court supervision under the Independent Administration of Estates Act filed by a personal representative of a decedent’s estate that is subject to the graduated filing fee.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 9 12/15/05 Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	Not Approved by the Judicial Council
MATTER OF: <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> TRUST/OTHER	
PROBATE CASE COVER SHEET	CASE NUMBER:

NOTICE: Petitioners, respondents, objectors, or other parties in proceedings under the Probate Code or heard in probate departments or, in a court that does not have a separate probate department, are assigned for hearing to the judicial officer who regularly hears probate proceedings, must file a completed *Probate Case Cover Sheet* with all petitions, applications, or motions, and objections or other opposition, filed in these proceedings. A party filing more than one petition or other request for relief or paper in opposition at the same time, whether combined in one paper or in separate papers, may file one *Probate Cover Sheet* for the entire filing, but it must fully identify all matters filed.

1. **Petition for Probate or First Account of Probate Code section 17300 testamentary trustee or opposition**
(Gov. Code, § 70650) (check all that apply to this filing):
 - ☐ Petition for Probate or first account of testamentary trustee, estate estimated or trust valued at less than \$250,000.
 - ☐ First-filed Petition for Probate or Petition for Letters of Special Administration With General Powers (Prob. Code, § 8545), or first account of testamentary trustee, estate estimated or trust valued at \$250,000 or more (Gov. Code, § 70650(a)).
Estimated value of estate for filing fee purposes per item 3a, Petition for Probate, or value of trust: \$ _____
Graduated filing fee: \$
 - ☐ Subsequent Petition for Probate or Petition for Letters of Special Administration With General Powers, estate estimated at \$250,000 or more (Gov. Code, § 70650(d)) (specify date first petition filed): _____
 - ☐ First-filed or subsequent Petition for Special Letters of Administration without general powers (Gov. Code, § 70650(c), (d)).
 - ☐ Will contest, before or after probate (Gov. Code, § 70650(c); Prob. Code, §§ 8250 or 8270).
 - ☐ Objections or other opposition to Petition for Probate or first account of trustee other than competing Petition for Probate or will contest (Gov. Code, § 70651(a)) ☐ statement disclaiming opposition only (making a disclaimer).
2. **Trust Proceedings** (check all that apply to this filing):
 - ☐ Petition or opposition to a petition concerning the internal affairs of a trust (Gov. Code, § 70652 (a), (b); Prob. Code, § 17200) (specify the general nature of the relief requested or opposed by this filing): _____
 - ☐ This filing concerns the internal affairs of a trust created by court order under Probate Code sections 2580 (substituted judgment), 3100 (proceeding for a particular transaction in property), or 3600 (compromise of claim or disposition of proceeds of judgment in favor of minor or disabled adult) (Gov. Code, §§ 70652(d), 70657(a)(3)).
3. **Petition for Appointment of Probate Conservator or opposition** (Gov. Code, § 70653) (check all that apply to this filing):
 - ☐ Petition for Appointment of ☐ Probate Conservator. ☐ Successor Probate Conservator.
 - ☐ Petition for Appointment of Limited Probate Conservator.
 - ☐ Petition for Appointment of Temporary Probate Conservator.
 - ☐ Opposition to Petition for Appointment of Conservator or Limited Conservator other than competing petition for appointment.
 - ☐ Filed by or on behalf of proposed conservatee (Gov. Code, § 70653(f)).

MATTER OF:	CASE NUMBER
<div style="display: flex; justify-content: space-between; margin-top: 10px;"> <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> TRUST/OTHER </div>	

4. Petition for Appointment of Probate Guardian or opposition (Gov. Code, § 70654) *(check all that apply to this filing)*:

☐ Petition for Appointment of ☐ Probate Guardian. ☐ Successor Probate Guardian.

☐ Petition for Appointment of Temporary Probate Guardian.

☐ Opposition to Petition for Appointment of Probate Guardian other than competing petition for appointment.

☐ Filed by or on behalf of proposed ward or parent (Gov. Code, § 70654(e)).

☐ Petition or opposition identified above is for or against appointment of a guardian of the person only (Gov. Code, § 70658(c)).

5. Post-Appointment Petition or Opposition in Decedent's Estate, Conservatorship, or Guardianship (Gov. Code, §§ 70658, 70657(a)(5); Prob. Code, §§ 1300, 1301) *(check all that apply to this filing)*:

☐ Petition for an appealable order under Probate Code sections 1300 or 1301 (Gov. Code, § 70658(a)) *(specify)*:

☐ Objections or other opposition to a petition for an appealable order under Probate Code sections 1300 or 1301 *(specify)*:

☐ Other post-appointment petition or opposition in a decedent's estate (Gov. Code, § 70657(a)(5)) *(specify)*:

☐ Petition or opposition identified above is filed in guardianship of the person only (Gov. Code, § 70658(c)).

☐ Petition identified above is filed by the personal representative of a decedent's estate commenced after August 17, 2003 (Gov. Code, § 70658(d)).

The petition ☐ does not ☐ does concern an action described in Probate Code section 10501(a) or (b) *(specify)*:

6. Petition commencing other proceeding under the Probate Code or opposition (Gov. Code, §§ 70655, 70656) *(check all that apply to this filing)*:

☐ Petition commencing proceeding listed in Government Code section 70655(c)(1)–(8), or opposition *(specify)*:

☐ Petition commencing other proceeding or opposition (Gov. Code, § 70655(c)(9)) *(specify)*:

☐ Petition to Set Aside Small Estate or opposition (Gov. Code, § 70656; Prob. Code, §§ 6602–6615).

☐ No estate proceeding pending for decedent. ☐ Estate proceeding pending for decedent (Prob. Code, § 6605(a)).

7. Post-first paper motion or application requiring a hearing (Gov. Code, § 70657) *(check all that apply to this filing)*:

☐ Application for ex parte relief.

☐ Motion or application to continue a trial date.

☐ Pretrial or posttrial motion in contested litigation.

☐ Motion for summary judgment.

☐ Other motion listed in Government Code section 70617 (motions in civil proceedings) *(specify)*:

8. Proceedings under the Health and Safety Code heard in the probate department of the court

☐ Petition to Establish Record of Birth, Death or Marriage (Health & Saf. Code, § 103470).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- ☐ Petitioner, Applicant, or Moving Party *(specify fiduciary capacity, if any)*:
- ☐ Respondent, Objector, or Opposing Party *(specify fiduciary capacity, if any)*:
- ☐ Attorney for *(specify name and capacity of party)*:

Rule Proposal

Rule 201.8 would be amended and rule 7.105 would be adopted, effective July 1, 2006, to read as follows:

1 **Rule 201.8. Case Cover Sheet Required**

2
3 **(a) [Cover sheet required]** The first paper filed in an action or proceeding
4 must be accompanied by a case cover sheet as required in (b). The cover
5 sheet must be on a form prescribed by the Judicial Council and must be
6 filed in addition to any cover sheet required by local court rule. If the
7 plaintiff indicates on the cover sheet that the case is complex under rule
8 1800 et seq., the plaintiff must serve a copy of the cover sheet with the
9 complaint. In all other cases, the plaintiff is not required to serve the
10 cover sheet. The cover sheet is used for statistical purposes and may
11 affect the assignment of a complex case.

12 **(b) [List of cover sheets]**

13
14
15 (1) *Civil Case Cover Sheet* (form CM-010) must be filed in each civil
16 action or proceeding, except those filed in small claims court or
17 filed under Chapter 12 of Part 1 of Division 102 of the Health and
18 Safety Code (commencing with section 103450), the Probate Code,
19 the Family Law Code, or the Welfare and Institutions Code.

20
21 (2) *Probate Case Cover Sheet* (form CM-011) must be filed as
22 required under rule 7.105.

23
24 ~~(2)~~(3) **[Note:** Case cover sheets will be added for use in additional areas
25 of the law as the data collection program expands.]

26
27 **(c) [Failure to provide cover sheet]** If a party that is required to provide a
28 cover sheet under this rule or a similar local rule fails to do so or
29 provides a defective or incomplete cover sheet at the time the party's
30 first paper is submitted for filing, the clerk of the court must file the
31 paper. Failure of a party or a party's counsel to file a cover sheet as
32 required by this rule may subject that party, its counsel, or both, to
33 sanctions under rule 227.

1 **Rule 7.105. Probate Case Cover Sheet**

2
3 **(a) [Cover sheet required]** The *Probate Case Cover Sheet* (form CM-011)
4 must be completed and filed with all petitions, applications, motions,
5 and objections or other opposition, filed in a proceeding under the
6 Probate Code or in a matter that is regularly heard in the probate
7 department of the court or, in a court that does not have a separate
8 probate department, is assigned for hearing to the judicial officer who
9 regularly hears probate proceedings.

10
11 **(b) [Multiple filings]**

12
13 (1) (In General) A party filing more than one petition or other request
14 for relief or paper in opposition at the same time, whether
15 combined in one paper or in multiple papers, may file one *Probate*
16 *Cover Sheet* for the entire filing, but it must fully identify all
17 matters filed.

18
19 (2) (Motions) A party filing at the same time more than one motion,
20 application, or other request for relief described or referred to in
21 Government Code sections 70657(a), 70657(a)(1) or (2), or
22 70657(c) must pay a filing fee under sections 70657(a) or 70657(c)
23 for each request for relief that could have been made in a single
24 motion or application, without regard to the title of the paper or
25 papers to be filed or the number of hearings held on the motions or
26 applications.

27
28 **(c) [Effect on cover sheets required by local court rule]** The *Probate*
29 *Case Cover Sheet* must be filed in addition to any cover sheet required
30 by local court rule.

31
32 **(d) [Service on other parties not required]** The party filing the *Probate*
33 *Case Cover Sheet* is not required to serve a copy of it on any other
34 party.

35
36 **(e) [Failure to provide cover sheet]** If a party that is required to complete
37 and file a *Probate Case Cover Sheet* under this rule fails to do so or
38 provides a defective or incomplete cover sheet at the time the party's
39 paper is presented for filing, the clerk of the court must file the paper.
40 Failure of a party or a party's counsel to file the cover sheet required by
41 this rule may subject that party, its counsel, or both, to sanctions under
42 rule 227.

Government Code sections 70650–70658, as added or amended by
the Uniform Civil Filing Fee Act of 2005 (Stats. 2005, ch. 145)

Article 2. Fees in Probate Proceedings

70650.

- (a) The uniform filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, or a first account of a trustee of a testamentary trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code is, as follows:
- (1) Three hundred twenty dollars (\$320) for estates or trusts under two hundred fifty thousand dollars (\$250,000).
 - (2) Three hundred eighty-five dollars (\$385) for estates or trusts of at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000).
 - (3) Four hundred eighty-five dollars (\$485) for estates or trusts of at least five hundred thousand dollars (\$500,000) and less than seven hundred fifty thousand dollars (\$750,000).
 - (4) Six hundred thirty-five dollars (\$635) for estates or trusts of at least seven hundred fifty thousand dollars (\$750,000) and less than one million dollars (\$1,000,000).
 - (5) One thousand one hundred thirty-five dollars (\$1,135) for estates or trusts of at least one million dollars (\$1,000,000) and less than one million five hundred thousand dollars (\$1,500,000).
 - (6) Two thousand one hundred thirty-five dollars (\$2,135) for estates or trusts of at least one million five hundred thousand dollars (\$1,500,000) and less than two million dollars (\$2,000,000).
 - (7) Two thousand six hundred thirty-five dollars (\$2,635) for estates or trusts of at least two million dollars (\$2,000,000) and less than two million five hundred thousand dollars (\$2,500,000).
 - (8) Three thousand six hundred thirty-five dollars (\$3,635) for estates or trusts of at least two million five hundred thousand dollars (\$2,500,000) and less than three million five hundred thousand dollars (\$3,500,000).

- (9) Three thousand six hundred thirty-five dollars (\$3,635) plus 0.2 percent of the amount over three million five hundred thousand dollars (\$3,500,000) for estates or trusts of three million five hundred thousand dollars (\$3,500,000) or more.
- (b) The petitioner under subdivision (a) shall estimate the fair market value of the decedent's estate at the date of the decedent's death in the petition, without reference to encumbrances or other obligations on estate property. The filing fee shall be determined based on the estimate by the petitioner at the time the petition is filed. If the final appraised value of the decedent's estate would result in a filing fee different from the filing fee actually paid, an adjustment shall be made at the time of the final account, under rules adopted by the Judicial Council. The filing fee for a trustee under subdivision (a) shall be based on the value of the trust shown in the first account.
- (c) The uniform filing fee for the first petition for special letters of administration without the powers of a general personal representative, the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or codicil under Section 8270 of the Probate Code is three hundred twenty dollars (\$320). Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (d) filed by the same person, only the fee provided in subdivision (d) shall be charged to that person.
- (d) A fee of three hundred twenty dollars (\$320) shall also be charged for filing each subsequent petition or objections of a type described in subdivision (a) or (c) in the same proceeding by a person other than the original petitioner or contestant. If a person is appointed on a subsequent petition and qualifies as administrator, executor, or special administrator with the powers of a general personal representative under subdivision (a), the successful personal representative shall reimburse the original petitioner in the amount of the filing fee paid by the original petitioner in excess of three hundred twenty dollars (\$320), less any unpaid costs awarded to the successful petitioner against the original petitioner, under rules adopted by the Judicial Council. The reimbursement shall be an expense of administration in the estate.
- (e) The first three hundred twenty dollars (\$320) of the filing fee charged under this section shall be distributed as provided in Section 68085.3. The remainder shall be distributed to the Trial Court Trust Fund.

70651.

- (a) The uniform filing fee for objections or any other paper in opposition to a petition or account described in subdivision (a) of Section 70650, other than a petition described in subdivision (d) of Section 70650, except for the purpose of making a disclaimer, is three hundred twenty dollars (\$320). If objections or any other paper in opposition are filed together with a petition described in subdivision (d) of Section 70650 by the same person, only the fee provided in subdivision (d) of Section 70650 shall be charged to that person.
- (b) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

70652.

- (a) The uniform filing fee for each petition concerning the internal affairs of a trust under Chapter 3 (commencing with Section 17200) of Part 5 of Division 9 of the Probate Code, is three hundred twenty dollars (\$320).
- (b) The uniform filing fee for each paper filed in opposition to a petition under subdivision (a) is three hundred twenty dollars (\$320).
- (c) To avoid hardship, or for other good cause, the court may direct the clerk of the court to refund all or any part of a filing fee paid under this section.
- (d) This section does not apply to petitions or opposition filed concerning trusts created by court order under Article 10 (commencing with Section 2580) of Chapter 6 of Part 3 of Division 4 of the Probate Code, Article 1 (commencing with Section 3100) of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article 1 (commencing with Section 3600) of Chapter 4 of Part 8 of Division 4 of the Probate Code, or first accounts or opposition to first accounts of testamentary trustees described in Sections 70650 and 70651.
- (e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

70653.

- (a) The uniform filing fee for a petition for appointment of a conservator, a guardian of the estate, or a guardian of the person and estate, pursuant to Division 4 (commencing with Section 1400) of the Probate Code, is three hundred twenty dollars (\$320).
- (b) Except as provided in subdivision (f), the uniform filing fee for objections or any other paper in opposition to a petition under subdivision (a) or (d) is three hundred twenty dollars (\$320).

- (c) If a competing petition for appointment of a guardian or conservator subject to the fee under subdivision (a) is filed together with opposition to the petition of another by the same person, the person filing the competing petition and opposition shall be charged a filing fee only for the competing petition.
- (d) If a petition for appointment of a temporary guardian or conservator is filed together with a petition under subdivision (a), or a competing petition under subdivision (c) by the same person, the person filing the petition for appointment of a temporary guardian or conservator shall be charged a filing fee only for the petition under subdivision (a) or (c).
- (e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.
- (f) No fee under this section shall be charged for objections or any other paper in opposition filed by or on behalf of the proposed conservatee, or the minor or a parent of the minor who is the subject of a guardianship proceeding.

70654.

- (a) The uniform filing fee for a petition for appointment of a guardian of the person only, is one hundred eighty dollars (\$180).
- (b) Except as provided in subdivision (e), the uniform filing fee for objections or any other paper in opposition to a petition under subdivision (a) is one hundred eighty dollars (\$180).
- (c) If a competing petition for appointment of a guardian subject to the fee under subdivision (a) is filed together with opposition to the petition of another by the same person, the person filing the competing petition and opposition shall be charged a filing fee only for the competing petition.
- (d) If a petition for appointment of a temporary guardian is filed together with a petition under subdivision (a), or a competing petition under subdivision (c) by the same person, the person filing the petition for appointment of a temporary guardian shall be charged a filing fee only for the petition under subdivision (a) or (c).
- (e) No fee under this section shall be charged for objections or any other paper in opposition filed by or on behalf of the minor or a parent of the minor who is the subject of the proceeding.
- (f) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.4.

- (g) No other fees shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

70655.

- (a) The uniform filing fee for a petition that commences any of the proceedings under the Probate Code listed in subdivision (c) is three hundred twenty dollars (\$320).
- (b) The uniform filing fee for objections or any other paper filed in opposition to a petition under subdivision (a) is three hundred twenty dollars (\$320).
- (c) This section applies to petitions or opposition concerning the following proceedings:
 - (1) A petition for compromise of a minor's claim pursuant to Section 3600 of the Probate Code.
 - (2) A petition to determine succession to real property pursuant to Section 13151 of the Probate Code.
 - (3) A spousal or domestic partnership property petition pursuant to Section 13650 of the Probate Code, except as provided in Section 13652 of the Probate Code.
 - (4) A petition to establish the fact of death to determine title to real property under Section 200 of the Probate Code.
 - (5) A petition for an order concerning a particular transaction pursuant to Section 3100 of the Probate Code.
 - (6) A petition concerning capacity determination and health care decision for adult without conservator pursuant to Section 3200 of the Probate Code.
 - (7) A petition concerning an advance health care directive pursuant to Section 4766 of the Probate Code.
 - (8) A petition concerning a power of attorney pursuant to Section 4541 of the Probate Code.
 - (9) Any other petition that commences a proceeding under the Probate Code not otherwise provided for in this article.
- (d) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

70656.

- (a) The uniform filing fee for a petition requesting an order setting aside a decedent's estate of small value pursuant to Section 6602 of the Probate Code, if no estate proceeding is pending for the decedent, is one hundred eighty dollars (\$180).
- (b) The uniform filing fee for objections or any other paper filed in opposition to a petition under subdivision (a) is one hundred eighty dollars (\$180).
- (c) If a petition or objections or any other paper in opposition under this section is filed concurrently with a petition for appointment of a personal representative described in Section 70650, the petitioner or objector shall be charged only for the filing fee provided in Section 70650.
- (d) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.4.
- (e) Except as provided in subdivision (c), no other fee shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

70657.

- (a) Except as provided in subdivision (d), the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper is forty dollars (\$40). Papers for which this fee shall be charged include papers listed in subdivision (a) of Section 70617 and the following:
 - (1) Pretrial and posttrial motions or applications in contested litigation.
 - (2) Applications for ex parte relief.
 - (3) Petitions and objections or other papers in opposition to petitions concerning the internal affairs of a trust that are not subject to the filing fees provided in Section 70650, 70651, or 70652.
 - (4) Petitions and objections or other papers in opposition to petitions filed subsequent to issuance of temporary letters of guardianship or letters of guardianship in proceedings described in Section 70654.
 - (5) Petitions or objections or other papers in opposition to petitions filed subsequent to issuance of special letters of administration or letters testamentary or of administration in decedent's estate proceedings that are not subject to the fee provided in Section 70658.

- (b) There shall be no fee under subdivision (a) for filing any of the papers listed under subdivision (b) of Section 70617.
- (c) The summary judgment fee provided in subdivision (d) of Section 70617 shall apply to summary judgment motions in proceedings under the Probate Code.
- (d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a) and (c) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

70658.

- (a) Except as provided in subdivisions (c) and (d), the uniform fee for a petition or objections, or any other paper in opposition to a petition for an appealable order under Section 1300 or 1301 of the Probate Code that is filed after issuance of letters testamentary, letters of administration, letters of special administration to a personal representative of a decedent's estate, or letters of guardianship or conservatorship, or temporary guardianship or conservatorship to a guardian or conservator, is one hundred eighty dollars (\$180).
- (b) The uniform fee in subdivision (a) shall be distributed as provided in Section 68085.4. No other fee shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.
- (c) The fee provided in this section shall not be charged for filing a petition or opposition to a petition in a proceeding under Section 70654.
- (d) The fee provided in this section shall not be charged to a personal representative of a decedent's estate in a proceeding commenced on or after August 18, 2003, for any petition filed in the proceeding by the personal representative concerning any action described in subdivision (a) or (b) of Section 10501 of the Probate Code.